

REMARKS

The Applicants appreciate the thoroughness with which the subject application has been examined. By this amendment, certain claims have been amended to overcome the Examiner's rejections and more concisely claim and describe the present invention. Claims 1, 10, 15, 19 and 20 have been amended. Claims 1-25 remain in the application for reconsideration by the Examiner. The Examiner's allowance of all pending claims is earnestly solicited.

MATTERS RELATED TO THE CLAIMS

The Examiner has rejected claims 1-10, 12-18, and 24 under Section 102(e) as anticipated by Dukach (US 2002/0009978). Claim 11 stands rejected under Section 103 as unpatentable over Dukach in view of Kojima (6,272,344).

To further define the invention over the cited art, the Applicants have amended claim 1 as set forth above in the marked-up version of the claim. In particular, the second paragraph of amended claim 1 now reads, "a cab-mounted communications hub disposed within the cab for controlling the modular radio communications unit via baseband signals exchanged between the modular radio communications unit and the communications hub via a base band conductor." Support for this amendment can be found in the first full paragraph on page 7 of the application.

With reference to the Dukach patent publication, Dukach does not disclose a locomotive cab-mounted communications hub disposed within the cab for controlling a modular communications unit mounted on the roof of the cab. Instead, Dukach discloses a taxicab roof-mounted display unit. The Dukach roof-mounted unit is a self contained device that includes a radio for exchanging message content information with a computer that is also disposed in the display unit. There is no mention in Dukach of the roof-mounted unit communicating with any equipment in the taxicab, much less communicating with a communications hub disposed within the cab.

Additionally the Applicants' invention is not obvious in light of Dukach alone or in combination with any of the other art of record, as there is no suggestion or motivation in Dukach or the other cited art that would cause one of ordinary skill in the art to modify Dukach or the other cited art to arrive at the Applicants' invention as set forth in amended claim 1. Thus

it is respectfully submitted that the Applicants invention as set forth in amended claim 1 is patentable over Dukach and the other cited art.

Rejected dependent claims 2-18 depend directly or indirectly from independent claim 1. Each of these dependent claims includes one or more elements that further distinguish the invention over the art of record and therefore these claims should be in condition for allowance. The Examiner will note from the marked-up version of the claims that dependent claims 10 and 15 have been revised to more clearly distinguish the present invention from the prior art.

Independent claim 19 stands rejected under Section 103 as unpatentable over Dukach in view of Ristau (6,374,307).

To more concisely describe and claim the present invention, the Applicants have amended claim 19 as set forth above. In particular, the last paragraph of amended claim 19 now reads, "a communications hub disposed in the locomotive cab and connected to the modular radio communications unit for controlling the modular radio communications unit through a multi-channel high bandwidth baseband serial cable." The penultimate paragraph further includes the phrase, "wherein the RF coaxial cable is disposed entirely outside of the locomotive cab." Support for these changes can be found in the paragraph bridging pages 6 and 7 and the first full paragraph on page 7.

In the Office Action, Examiner Dao has set forth certain elements of the Applicant's claim 19 and alleges that Dukach discloses each of those elements. The Applicants take issue with the Examiner's correlation of claim 19 elements with the Dukach disclosure. For example Dukach's elements 1404 cannot function as sun screens, as the Examiner has suggested, because they are described as transparent windows in Dukach's paragraph [0479]. Clearly, a transparent window is not a sun screen.

Further, Dukach alone or in combination with Ristau, fails to disclose the communications hub disposed in the locomotive cab and connected to and controlling the modular radio communications unit through a multichannel high bandwidth baseband serial cable. There is no suggestion or motivation for combining Dukach and Ristau. The Examiner refers to Ristau as "analogous art." It is the Applicant's position that the only common element between Dukach and Ristau is the communication of information. Aside from that common feature, the two references are very different and have no overlapping elements. Dukach

discloses a display that receives information over a communications link for displaying information on a vehicle. Ristau discloses a billing system for a dense wavelength-division multiplexed optical system. There is no mention of optical communications in Dukach and thus the requisite suggestion or motivation for combining the reference is not present. The Examiner's citation of Ristau for, "hubs connected by multichannel high bandwidth serial cables" is misplaced as the Ristau disclosure relates to the communication of information between hubs and repeaters, not between a communications hub and a modular radio communications unit. Thus the Applicants contend that claim 19 as amended is allowable over the cited art.

Claims 20, 21, 22 and 25 stand rejected under Section 103 as unpatentable over Dukach in view of Ristau and further in view of Ezuriko (6,591,096). Claim 23 stands rejected under Section 103 as unpatentable over Dukach in view of Kojima (6,272,344). Claim 24 stands rejected under Section 102(e) as anticipated by Dukach. In his rejection, the Examiner cites Ezuriko for teaching, "a communications hub is inside the cab of the locomotive . . . , the antenna 3 that receives and forwards signals between the repeater 2 and mobile phone 4 reads on the hub of the invention."

To further define the invention over the cited art, the Applicants have amended claim 20; the last paragraph reads, "connecting the communications hub to the at least one radio in the housing with a multichannel high bandwidth baseband serial cable capable of communicating with the at least one radio and also capable of supplying operating power from the communications hub to the at least one radio."

The Applicants contend that Ezuriko's antenna 3 cannot read on the hub set forth in method claim 20 as amended by the Applicants, as Ezuriko's antenna 3 cannot supply operating power to a radio. Therefore, the combination of Dukach, Ristau and Ezuriko does not disclose the Applicants' invention as set forth in amended claim 20. .

It is respectfully submitted that each of the dependent claims 21-25 depending either directly or indirectly from amended claim 20 includes one or more elements that further distinguish the invention over the art of record. These claims should therefore be in condition for allowance.

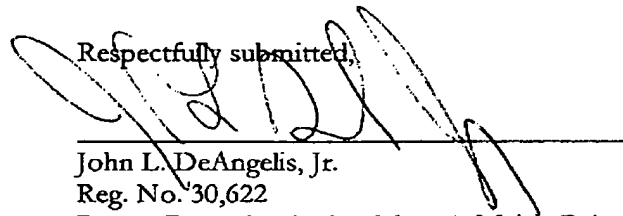
The Applicants have set forth substantive distinctions between the amended claims and cited art with respect to the rejections under Sections 102 and 103. Additionally, the Applicants

contend that there is no basis for combining the various patents cited by the Examiner. While the Examiner notes that the Ristau patent is in an analogous art relative to Dukach and the Ezuriko patent is in an analogous art relative to Dukach and Ristau, and further that Kojima is in an analogous art relative to Dukach, such broad statements are not sufficient to permit combining the references and applying that combination against the Applicants' invention. There must be some basis, motivation or suggestion in at least one of the cited references for making the proposed combination. As between Dukach and Ristau, the only common element is a communications system. Aside from that common feature, the disclosures are very different and have no overlapping elements. Dukach discloses a display that receives information over a communications link for displaying information on a vehicle. Ristau discloses a billing system for a dense wavelength-division multiplexed optical system. There is no mention of optical communications in Dukach and thus there is no teaching for making the proposed combination of the Dukach and Ristau disclosures as proposed by the Examiner, much less a teaching as to how these references would be combined. Ezuriko also describes a communications system, but the system comprises no elements or features that are shared with the other cited patents. Ezuriko relates to the use of a mobile phone within a site or enclosure where operation of the mobile phone is limited due to diminished signal strength. Ezuriko further discloses an antenna within the enclosure for receiving the mobile phone signal. The antenna is connected to an external unit that transmits the signal to a base station. Kojima discloses a position registration system for a mobile communications system. There is no discussion in Dukach as to position registration and thus there is no teaching for making the proposed combination of Kojima and Dukach proposed by the Examiner, much less a teaching as to how these references would be combined.

The Applicants have complied with all of the points raised in the Office Action and it is believed that the remaining claims in the application, i.e., claims 1-25, are now in condition for allowance. In view of the foregoing amendments and discussion, it is requested that the Examiner's claim rejections have been overcome. It is respectfully requested that the Examiner reconsider these rejections and issue a Notice of Allowance for all the claims pending in the application.

If a telephone conference will assist in clarifying or expediting this Amendment or the claim changes made herein, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,



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